

PATENT
0020-5305PUS1

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Tomohiko KUBO et al. Conf.:
Appl. No.: 10/510,054 Group:
Filed: October 1, 2004 Examiner:
For: LIQUID DRUG CONTAINER

L E T T E R

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 22, 2004

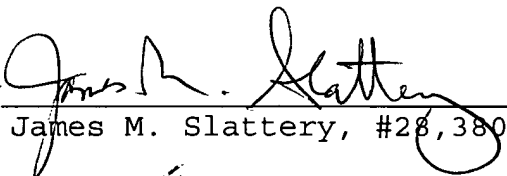
Sir:

Subsequent to the filing of the above-identified application on October 1, 2004, attached hereto is an English translation of the International Preliminary Examination Report (IPER 409) that should be made of record in the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
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JMS/mag
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Attachment(s)



From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT
(PCT Rule 72.2)

To:

KAWAMIYA, Osamu
AOYAMA & PARTNERS
IMP Building, 3-7, Shiromi 1-chome, Chuo-ku
Osaka-shi, Osaka 540-0001
JAPON

Date of mailing (<i>day/month/year</i>) 11 November 2004 (11.11.2004)	
Applicant's or agent's file reference 663681	IMPORTANT NOTIFICATION
International application No. PCT/JP2003/004318	International filing date (<i>day/month/year</i>) 04 April 2003 (04.04.2003)
Applicant NIPRO CORPORATION et al	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

AZ, CA, CH, CN, CO, EP, GH, KG, KR, MK, MZ, RO, RU, TM

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, BA, BB, BG, BR, BY, BZ, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, ES, FI, GB, GD, GE, GM, HR, HU, ID, IL, IN, IS, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PH, PL, PT, SC, SD, SE, SG, SK, SL, TJ, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.+41 22 740 14 35	Authorized officer Yoshiko Kuwahara Facsimile No.+41 22 338 90 90
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Translation

PATENT COOPERATION TREATY

PCT/JP2003/004318



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 663681	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP2003/004318	International filing date (day/month/year) 04 April 2003 (04.04.2003)	Priority date (day/month/year) 04 April 2002 (04.04.2002)
International Patent Classification (IPC) or national classification and IPC A61J 1/14		
Applicant NIPRO CORPORATION		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of <u>4</u> sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input checked="" type="checkbox"/> Certain observations on the international application

Date of submission of the demand 25 September 2003 (25.09.2003)	Date of completion of this report 31 May 2004 (31.05.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP2003/004318

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages 1,3-9,11-16, as originally filed
 pages _____, filed with the demand
 pages 2,10, filed with the letter of 26 January 2004 (26.01.2004)
- ☒ the claims:
 pages 5,6,11-15, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages 1-4,7-10, filed with the letter of 26 January 2001 (26.01.2001)
- ☒ the drawings:
 pages 1-14, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1-15	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-15	NO
Industrial applicability (IA)	Claims	1-15	YES
	Claims		NO

2. Citations and explanations

Document 1: JP 4-6052 A (Nihon Millipore Ltd.), January 10, 1992 (Family: none)

Document 2: Microfilm of the specification and drawings annexed to the request of Japanese Utility Model Application No. 2797/1986 (Laid-open No. 115370/1987) (Shiseido Co., Ltd., et al.), July 22, 1987 (Family: none)

Document 3: JP 2001-521865 A (Transfit Societe Anonym), November 13, 2001 & WO 99/23006 A1 & EP 1036013 A1 & US 6336571 B1

The inventions relating to claims 1-4 and 7-10 do not appear to involve an inventive step in view of documents 1 and 2 cited in the ISR and newly cited document 3. Document 3, paragraph 0047 describes a ring-shaped groove 44 that prevents constant contact with an anti-bacterial membrane, and it would be easy for a person skilled in the art to apply this point to the fixing of a filter as seen in document 1. Also, document 2 describes using a filter mounting member.

The inventions relating to claims 5 and 6 do not appear to involve an inventive step based on documents 1-3. The pore diameter of a filter is a matter that can be selected as appropriate.

The inventions relating to claims 11-15 do not appear to involve an inventive step based on documents 1-3. Document 2 also describes a flow limiting member.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

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VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 1 in the amendment submitted with the letter dated January 26, 2004 describes an invention that comprises a disk-shaped filter installation member, and one that does not; therefore the description is not clear. Also, if it is the case that an embodiment wherein one filter is welded to a filter installation member and another filter is welded on a top wall is also included in claim 1, then this is not sufficiently supported by the specification.